



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-98-4663

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Heavylift-VolgaDnepr Ltd.**

Date Filed: October 29, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way emergency cabotage cargo charter flight on or about November 10, 1998, using its AN-124 aircraft, to transport one 76-foot Christmas tree on an outsized trailer from Cleveland, OH, to New York, NY, on behalf of Tishman Speyer Properties.

The applicant stated that the tree involved is scheduled to be felled in Ohio on November 10 and erected on November 11 in Rockefeller Plaza where it will remain on display for approximately eight weeks. It stated that maximizing the tree's "shelf life" during the display period requires careful coordinated timing between felling and transportation, and that air transportation is an integral aspect of that timing. The applicant further stated that in prior years the shipper has been able to obtain required trees within a 40-mile radius of New York City and to use ground transportation to Rockefeller Plaza within a day, but this year was unable to find a tree meeting its requirements in the immediate New York City area.

Applicant representative: Lester Bridgeman (334) 432-1414

Responsive pleadings: Heavylift-VolgaDnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority to Heavylift-VolgaDnepr.

DISPOSITION

Action: Approved

Action date: November 5, 1998

Effective dates of authority granted: November 10-13, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Heavylift-VolgaDnepr's request would prevent undue hardship to Rockefeller Plaza's annual Christmas holiday event.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Heavylift-VolgaDnepr comply with an FAA-approved flight routing for the authorized flight

Action taken by: **Charles A. Hunnicutt**
Assistant Secretary for Aviation
and International Affairs